

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ALL POINTS CAPITAL CORP,

Plaintiff,

V

Defendants.

Plaintiff All Points Capital Corporation filed this action on September 19, 2008. Doc #1. On November 11, 2008, plaintiff filed proof of service on seven of the eight defendants listed in the complaint: Boris Gokhman, Vladimir Shuk, Todd Beasley, Ridgetop Hawaii, Pacific Rollforming LLC, Architectural Metal Products and Ridgetop Roofing and Gutter. Doc ## 10-16. Plaintiff has not filed proof of service on defendant Robert Ollman.

1 memorandum in opposition to plaintiff's motion. None of the
2 defendants filed a memorandum in opposition or a statement of
3 nonopposition.

4 The hearing set for May 21 on plaintiff's motion is
5 VACATED. Defendants shall serve and file a memorandum in
6 opposition to plaintiff's motion not later than May 28; failure to
7 comply will be deemed grounds to grant summary judgment against the
8 seven defendants that have been served. No hearing or oral
9 argument on the motion shall be conducted without further order of
10 the court.

11 Under FRCP 4(m), "[i]f a defendant is not served within
12 120 days after the complaint is filed, the court — on motion or on
13 its own after notice to the plaintiff — must dismiss the action
14 without prejudice against the defendant or order that service be
15 made within a specified time." Because more than 120 days have
16 passed since plaintiff filed this action and there is no record
17 that Ollman has been served, plaintiff IS DIRECTED to file proof of
18 service on Ollman or show good cause for the failure to serve
19 Ollman not later than May 28. If plaintiff fails to comply, the
20 court will dismiss the action without prejudice against Ollman
21 pursuant to FRCP 4(m).

22
23 IT IS SO ORDERED.

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26 VAUGHN R WALKER
27 United States District Chief Judge
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